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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,291	10/25/2001	Frederick M. Morgan	C01104/70088(RFG/JT)	3587

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EXAMINER

TRAN, CHUC

ART UNIT PAPER NUMBER

2821

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,291

Applicant(s)

MORGAN ET AL.

Examiner

Chuc D Tran

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-70 is/are allowed.
- 6) ☒ Claim(s) 1-7,39-41 and 71 is/are rejected.
- 7) ☒ Claim(s) 8-38 and 42-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 71 is rejected under 35 U.S.C. 102(e) as being anticipated by Havel (USP. 6,181,126).

Regarding claim 71, Havel disclose a dual variable color measuring system comprising:

- at least one controller (53) adapted to receive at least two input signals (Y1-Y7) (Fig. 59) the at least one controller (53) further adapted to process only particular data received on at least one input signal of the at least two input signals (146b) based on a logic state of at least one input signal of the at least two input signal (Col. 24, Line 36-58) (Fig. 59).

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al (USP. 5,752,766) in view of Havel (USP. 6,181,126).

Regarding claims 1-7 and 39-41 (with illuminating method), Bailey et al disclose a multi color focusable led stage light comprising a light source (10) adapted to be supported by a housing (may be include pool and spa) (See abstract), the at least on light source (10) being further adapted to generate a remotely controllable variable color radiation output (Col. 4, line 1-8). However, Bailey is silent on the limitation of controllable variable color radiation output without requiring the use of a color filter. Havel teaches a controllable variable color radiation output without requiring the use of a color filter (Col. 7, Line 7) (Col. 33, line 65) (Col. 34, Line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the control variable color and intensity without requiring the use of a color filter in order to produce color illumination effects. Its matter of obvious design choice.

***Allowable Subject Matter***

3. Claims 53-70 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. Prior art fails to disclose or suggest: at least two selectors to allow a user to remotely control at least one parameter associated with the variable color radiation generated by the at least one light source.

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6. Claims 8-38 and 42-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

8. Prior art fails to disclose or suggest: (1) at least a color of the variable color radiation output is controlled based on the at least one external signal; (2) the method of remotely controlling the variable color radiation based on at least one interruption in power supplied.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Citation of relevant prior art***

Prior art Bailey et al (USP. 5,752,766) disclose a multi color focusable led stage light.

Prior art Havel (USP. 6,181,126) disclose a dual variable color measuring system.

Prior art Havel (USP. 6,310,590) disclose a method for continuously controlling color of display device.

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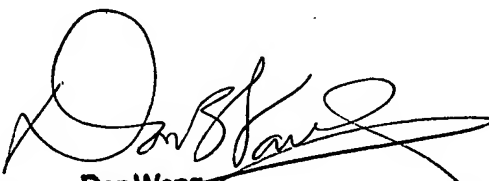
***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D Tran whose telephone number is (703)306-5984. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (703)308-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-4048 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

TDC  
January 21, 2003

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800